

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
Mark S. Eder  
  
Respondent

Civil Citation No. 70084  
  
8361 Kavanagh Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 24, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, failure to remove trash and debris; section 13-4-201 (b) (d), failure to store garbage in containers with tight fitting lids on residential property zoned DR 10.5 known as 8361 Kavanagh Road, 21222.

On November 2, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 26, 2009 for removal of trash and debris, and proper storage of garbage in cans with tight lids. This Citation was issued on November 2, 2009.

B. Photographs in the file show a large pile of construction debris and trash, including old carpeting and a stack of tiles, and several garbage cans with no lids. Photographs taken November 23, 2009 show a garbage can overflowing with garbage and trash and lacking a lid, and bagged garbage on the ground. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Review of the file shows that multiple civil penalties have been imposed on Respondent for similar violations, including a \$500.00 penalty by Final Order dated January 9, 2008 for open dump conditions; a \$197.98 property maintenance fee for costs incurred to remove junk and debris, billed on May 1, 2008; and a \$25.00 penalty imposed on October 20, 2008 for improper storage of garbage. Court records show this property is in foreclosure proceedings.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by December 14, 2009, with all trash and debris removed and all garbage properly stored in cans with tight lids.

IT IS FURTHER ORDERED that at any time after the date of this Final Order, the County may enter the property for the purpose of removing all junk, trash, and debris from the premises, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2<sup>nd</sup> day of December 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer